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National

1- U.S. energy CO2 emissions jump for first time in 5 years, E&E News, 11/27/19

<https://www.eenews.net/energywire/2019/11/27/stories/1061655713>

Energy-related carbon dioxide emissions rose in the United States last year for the first time since 2014, according to an analysis posted yesterday from the U.S. Energy Information Administration.

2 – EPA Narrows Guidance on Grouping Manufacturers for Air Permits, Bloomberg, 11/27/19

<https://news.bloombergenvironment.com/environment-and-energy/epa-narrows-guidance-on-grouping-manufacturers-for-air-permits>

Chemical plants, paper mills, and mining operations that are located side by side will be treated as a single major source subject to stringent air pollution controls—but anything beyond this basic definition will no longer be—according to final EPA guidance released Nov. 26.

3 - EPA Clean Water Act Interpretation Reasonable, Court Says, Bloomberg, 11/26/19

<https://news.bloombergenvironment.com/environment-and-energy/epa-clean-water-act-interpretation-reasonable-court-says>

The EPA's determination that it "categorically" can't regulate pollution-via-groundwater under the Clean Water Act is entitled to deference despite "opening a gaping regulatory loophole," the U.S. District Court for the District of Massachusetts said Nov. 26.

4 – Major journal editors blast EPA's 'secret science' rule, again, Science, 11/26/19

<https://www.sciencemag.org/news/2019/11/major-journal-editors-blast-epa-s-secret-science-rule-again>

The editors of six major scientific journals have raised a new alarm about the Environmental Protection Agency's (EPA's) controversial data transparency proposal. The proposal could become "a mechanism for suppressing the use of relevant scientific evidence in policy-making, including public health regulations," the editors of Science, Nature, PLOS, Cell Press, and the Proceedings of the National Academy of Sciences write today in a joint statement.

5 – BOEM rejects \$4.4M in leases after critical federal report, E&E News, 11/27/19

<https://www.eenews.net/energywire/2019/11/27/stories/1061655321>

The Bureau of Ocean Energy Management (BOEM) rejected \$4.4 million worth of oil and gas industry bids to potentially drill in the Gulf of Mexico from a recent auction that otherwise netted \$155.

6 – Climate cases may see ripple effect from Superfund battle, E&E News, 11/27/19

<https://www.eenews.net/climatewire/2019/11/27/stories/1061654585>

A Supreme Court showdown over environmental cleanups could make waves in the growing pool of legal actions by cities and states to get Big Oil to pay for the costs of climate change impacts within their borders.

7 - 'Highly unusual' move puts Region 9 chief's office in LA, E&E News, 11/27/19

<https://www.eenews.net/stories/1061653561>

Despite alarms raised by EPA's watchdog office and legal staff, Chief of Staff Ryan Jackson switched a top political appointee's workplace from San Francisco to Los Angeles, moving him closer to home.

Texas

8 – The latest: Injuries reported in Port Neches plant explosion, Houston Chronicle, 11/27/19

<https://www.chron.com/news/article/The-latest-Explosion-at-Port-Neches-plant-14866093.php>

Three workers at the TPC Group plant in Port Neches were injured in an explosion. Houston-based TPC Group has a 75-year history in Port Neches and the Port of Houston dating back to 1944 when the legacy plants in Port Neches and Houston were opened by two different companies.

9 - First-of-a-kind CCS gas plant moves ahead, E&E News, 11/27/19

<https://www.eenews.net/energywire/2019/11/27/stories/1061655743>

A partner in NET Power LLC said it's evaluating sites for a commercial version of the natural gas power plant it labeled a "great success" as a pilot project in Texas that aims for near-zero greenhouse gas emissions.

New Mexico

10 - New Mexico officials, activist continue fight against rollback of EPA methane rules, Carlsbad Current Argus, 11/26/19

<https://www.currentargus.com/story/news/local/2019/11/26/new-mexico-officials-activist-continue-fight-epa-methane-rules/4306992002/>

New Mexico Attorney General Hector Baldaras joined a coalition of U.S. Attorneys General which sent a letter to the U.S. Department of Energy last week opposing the EPA's proposed rollback of federal regulations of methane emissions from the oil and gas industry.

Louisiana

11 – Corps proposes \$514 million Upper Barataria levee to protect West Bank parishes, New Orleans Times-Picayune, 11/26/19

https://www.nola.com/news/article_f0375742-1092-11ea-a51d-57b1043847b0.html

The U.S. Army Corps of Engineers has proposed building a new \$514 million, 18.3-mile Upper Barataria levee system to protect portions of seven south Louisiana parishes, including the west banks of Jefferson, St. Charles and St. John the Baptist, from the flooding caused by hurricane surge and intense rainfall events.

ENERGY TRANSITIONS

U.S. energy CO2 emissions jump for first time in 5 years

Carlos Anchondo, E&E News reporter

Published: Wednesday, November 27, 2019



Energy-related carbon dioxide emissions in the United States rose in 2018, due in part to higher natural gas-related emissions. A natural gas pipeline is pictured. Wikimedia Commons

Energy-related carbon dioxide emissions rose in the United States last year for the first time since 2014, according to an analysis posted yesterday from the U.S. Energy Information Administration.

CO2 emissions increased 2.7% over 2017 levels, rising to 5.27 billion metric tons. The agency largely attributed that spike to "more extreme" summer and winter weather and growth across transportation-related petroleum emissions.

The EIA post — part of a longer report by the organization this month — noted that natural gas is the primary heating fuel for much of the United States and that colder winter temperatures were responsible for its elevated use.

"Natural gas is both the most prevalent home heating fuel and the most prevalent fuel used to generate electricity," the EIA report said. "Because both heating and cooling demand were higher in 2018, total natural gas emissions increased by 10%."

Coal-related CO2 emissions fell once again in 2018 — declining by 4% — which made it the only fossil fuel to have lower CO2 emissions last year compared with 2017, EIA said.

The American Gas Association said it's not that emissions from natural gas are higher per unit of energy, but rather that natural gas now makes up a greater slice of the energy mix than before. An average of one new natural gas customer is added each minute nationwide, said Jake Rubin, an AGA spokesman.

"Carbon dioxide emissions from the residential, commercial, and industrial natural gas sector are virtually unchanged as emissions from individual consumers have declined of energy efficiency improvements," Rubin said, "including tighter building envelopes, more efficient appliances and equipment, behavioral changes in energy consumption and the effectiveness of natural gas utility efficiency programs."

Rubin attributed that to energy efficiency, both for home appliances and for their insulation.

Rachel Cleetus, the policy director with the climate and energy program at the Union of Concerned Scientists, said it's sobering to see emissions in the power sector increase, despite recent good news like record coal plant retirements and growth in renewable energy.

In order to meet climate targets, the emissions curve needs to bend downward sharply, and emissions reductions need to happen on an economywide scale, Cleetus said.

"Natural gas has a role to play in helping to integrate higher levels of renewables, but it is a contained role," Cleetus said, pointing out to infrastructure that is being put in place now that will be around for decades.

Cleetus also referenced a [report](#) from the U.N. Environment Programme yesterday that she said underscores how every country, including the United States, is falling short on the reductions needed to meet Paris Agreement targets.

In July, EIA [said](#) it anticipates U.S. energy-related CO2 emissions to fall in 2019, forecasting a 2.2% decrease for the year. The agency linked that to a drop in emissions from coal consumption and said at the time that an increase in natural gas is expected as it becomes "the most prevalent electricity generation fuel."

Still, the agency said this fall that energy-related CO2 emissions globally would increase by 20% between today's levels and 2050 ([Energywire](#), Oct. 1).

EIA also said total U.S. electricity generation increased by 3.6% last year, but added that electric power-sector CO2 emissions only increased by 1.1% partly because of a transition from coal to natural gas.

"Natural gas-fired generators typically use less energy than coal plants to generate each kilowatt-hour of electricity," the EIA outlook said.

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Environment & Energy Report

EPA Narrows Guidance on Grouping Manufacturers for Air Permits

By Amena H. Saiyid

Nov. 26, 2019, 5:02 PM

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- EPA will consider industrial operations to be adjacent when they are side by side, and not because they have similar or related functions
 - Guidance won't be retroactive, agency says in memo
-

Chemical plants, paper mills, and mining operations that are located side by side will be treated as a single major source subject to stringent air pollution controls—but anything beyond this basic definition will no longer be—according to final EPA guidance released Nov. 26.

The guidance marks the end of EPA's practice of grouping more widely spaced sources of related industrial operations as a single "major" facility. Instead, the EPA or states will only assess whether these facilities are located in physical proximity to each other.

The move will result in fewer classifications of "major" sources, which trigger the Clean Air Act permitting requirements and accompanying stricter pollution controls.

The Environmental Protection Agency, however, stopped short of defining what it means by "physical proximity," a bright line that the National Association of Manufacturers requested in comments on the draft version of this guidance, which came out last year.

Under the law, any facilities or plants emitting 100 tons or more of pollution annually, located on adjacent or contiguous properties, and under common ownership are deemed major sources that must install the best available pollution controls to obtain a permit for operations, or a new source review permit for expansion or new construction.

The agency's final adjacency guidance is the EPA's latest effort to ease permitting requirements for refineries, power plants, and factories, especially those constructing or expanding in a way that increases emissions and triggers the need for New Source Review permits.

Change Driven by Ruling

The EPA is reverting to its 1980 reading of the Clean Air Act, when it focused exclusively on physical proximity when considering whether two operations should be considered adjacent for permitting purposes, EPA Acting Assistant Administrator for the Office of Air and Radiation Anne L. Idsal wrote in the memo.

The guidance won't apply retroactively, she added.

Idsal said the agency was responding to a 2012 federal appeals court decision and moving away from the Obama EPA's reading that allowed industrial facilities with similar functions— though several miles apart—to be treated as adjacent, and thereby a major source for permitting.

She said the agency's change in direction is driven by the U.S. Court of Appeals for the Sixth Circuit's 2012 decision in *Summit Petroleum Corp. v. EPA*.

In this case, the court held that the EPA unreasonably treated Summit Petroleum's natural gas sweetening plant and its gas production wells as a single major source, although they were anywhere from 500 feet to eight miles apart from each other. Gas sweetening is a process using solutions to remove hydrogen sulfide from gases.

The court instructed the EPA to consider the plain meaning of adjacent when deciding how to lump together facilities for Clean Air Act permitting purposes.

In response, the EPA declared oil and gas facilities half a mile apart as separate sources for permitting purposes, but it stopped short of applying this interpretation to other manufacturing facilities.

'Two-Edged Sword'

Eric Boyd, an environmental attorney with the Chicago office of Thompson Coburn LLP, described grouping activities as a "two-edged sword" when the EPA first proposed to clarify its meaning of adjacency.

"On one hand, de-grouping facilities means that such sources are less likely to be considered 'major'" for new source review and operations permitting purposes. But on the other hand, de-grouped sources cannot avoid Clean Air Act permits for changes made to their equipment and operations if they cause an increase in air pollution, Boyd wrote.

Environmental attorneys expected the EPA would pursue a narrower reading of adjacency.

"The EPA has confirmed they are applying a physical proximity test for adjacency and they will not be reopening previous determinations unless there is a change in facts," such as a change in ownership or a different industrial classification, said Eric Hiser, an environmental attorney with Phoenix-based law firm Jorden Hiser & Joy, PLC.

And most state permitting authorities, or states that have their own approved plans to issue New Source Review permits, won't be bound to follow this interpretation, he said, noting the guidance applies only where EPA is the permitting authority or where states are issuing permits on EPA's behalf.

John Walke, who heads the Natural Resources Defense Council clean air program, said: "The EPA is breaking apart polluting activities that long have been considered part of one polluting activity, making it much easier to pollute more and avoid controlling those pollution increases."

The EPA also released a proposed rule that makes corrections to typographical errors and outdated references. The agency said these corrections don't change any underlying rules or guidance.

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Environment & Energy Report

EPA Clean Water Act Interpretation Reasonable, Court Says (1)

By Ellen M. Gilmer and Blake Brittain

Nov. 26, 2019, 4:17 PM; Updated: Nov. 26, 2019, 5:18 PM

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- EPA has no authority to regulate pollution that moves through groundwater, agency says
 - Supreme Court heard arguments in related case in November
-

The EPA's determination that it "categorically" can't regulate pollution-via-groundwater under the Clean Water Act is entitled to deference despite "opening a gaping regulatory loophole," the U.S. District Court for the District of Massachusetts said Nov. 26.

The decision comes after the Supreme Court heard arguments over the same question in *County of Maui v. Hawai'i Wildlife Fund* on Nov. 6.

At issue in the Massachusetts case is a wastewater treatment facility at the Wychmere Beach Club on Cape Cod, where treated wastewater seeps through the groundwater into Wychmere Harbor. The Massachusetts Department of Environmental Protection found that the discharges were partially responsible for excessive nitrogen in the harbor.

The nonprofit Conservation Law Foundation filed two lawsuits, one under the Clean Water Act and one under the Resource Conservation and Recovery Act. The district court on Nov. 26 allowed the group's RCRA case to move forward but rejected its Clean Water Act arguments, citing a recent federal policy change.

The Environmental Protection Agency in April that the Clean Water Act's permitting program doesn't apply to pollution that moves through groundwater before reaching a federally regulated surface water, like a lake, river, or the ocean. The announcement, put forth in an "Interpretive statement," marked a change from the agency's previous position that permits are required for pollution into groundwater that is "hydrologically connected" to a surface water.

Inside the Decision

Judge William G. Young said the agency's new interpretation of the law is permissible, and deserves deference.

Although "at first blush" the statute's language appears to cover pollution-via-groundwater, the court said the law's structure and history indicate that it was meant to leave groundwater regulation to the states. In addition, Young wrote, a "literal reading" would allow the law to "spiral off into absurdities," like punishing homeowners who use septic systems.

"The Court doubts that Congress wished to menace these millions of homeowners with stiff penalties, let alone criminal prosecution, for flushing their toilets without a federal permit," Young said.

The EPA's interpretation was permissible even though it "seemingly frustrates the policy that Congress sought to implement." Its bright-line rule addresses "the need for clarity on the scope" of the law, and ruling that groundwater is covered "might place unreasonable regulatory compliance burdens upon millions of citizens," the court said.

"The court admits to a degree of puzzlement at the wisdom of EPA's 'categorical rule,'" but "drawing the line is a matter firmly within the EPA's expertise," it said.

Mark Ryan, a water attorney with the Washington state-based firm Ryan & Kuehler PLLC, said the opinion appears to be the first court decision based on the EPA's new interpretation.

He noted, however, that the Supreme Court's eventual resolution of the Maui case could eliminate the EPA interpretation the district court applied.

"I'm surprised he didn't sit on it for at least a few more months because the Supreme Court will be ruling in the spring," Ryan said.

RCRA Claims

Young, an appointee of President Ronald Reagan, issued an order in a related case Nov. 26 allowing the Conservation Law Foundation to move forward on claims that the beach club's wastewater discharges violate RCRA, the federal law that regulates waste management.

Christopher Kilian, vice president for strategic litigation for the group, said he was disappointed the court scrapped the Clean Water Act arguments but pleased to instead move ahead on the RCRA case. The group had encouraged the Massachusetts court to review the RCRA claims as a potential alternative to the Clean Water Act claims.

Critics of environmental groups' position in the Maui case at the Supreme Court have long argued that pollution that moves through groundwater is adequately regulated RCRA, the federal Safe Drinking Water Act, and state regulations.

The foundation represented itself. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC represented the club.

The Clean Water Act case is Conservation Law Found. v. Longwood Venues & Destinations Inc., D. Mass., No. 1:18-cv-11821, 11/26/19. The RCRA case is Conservation Law Found. v. Longwood Venues & Destinations, D. Mass., No. 1:19-cv-11672, 11/26/19.

(Adds order in RCRA case, comments from Ryan, Kilian)

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Andrew Wheeler, acting administrator of the U.S. Environmental Protection Agency CLIFF OWEN/AP PHOTO

Major journal editors blast EPA’s ‘secret science’ rule, again

By David Malakoff | Nov. 26, 2019 , 3:05 PM

The editors of six major scientific journals have raised a new alarm about the Environmental

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th in am \ gov \ response to an EPA proposal for a new rule that would generally bar the agency from using studies that do not make their underlying data publicly available. EPA Administrator Andrew Wheeler has said the rule is needed to ensure the agency uses only the best available science. But although the research community generally supports such calls for data transparency—and many journals require it for certain kinds of studies—the EPA proposal has drawn sharp criticism from many scientific and patient advocacy groups. In large part, that is because they fear agency officials will use it to rule out epidemiological studies that include confidential patient data that are difficult to make public. Such studies have often underpinned tougher air and water pollution regulations.

In today's letter, the journal editors urge EPA to maintain an emphasis on the quality of the studies it uses, and not make data transparency the determining factor. "We urge the EPA to continue to adopt an approach that ensures the data used in decision-making are the best available, which will at times require consideration of peer-reviewed scientific data, not all of which may be open to all members of the public," they write. "The most relevant science, vetted through peer review, should inform public policy. Anything less will harm decision-making that claims to protect our health."

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The editors also urge the agency to reject the idea, floated in a recently leaked draft supplement to its proposal, of retroactively applying the data transparency rule to studies the agency has used in the past to set pollution limits. A retroactive requirement could prevent the agency from considering those studies when it periodically updates those standards, as required by law. "[T]hus, foundational science from years past—research on air quality and asthma, for example, or water quality and human health—could be deemed by the EPA to be insufficient for informing our most significant public health issues," the editors write. "That would be a catastrophe."

Wheeler has said that agency officials are hoping to finalize the rule sometime next year.

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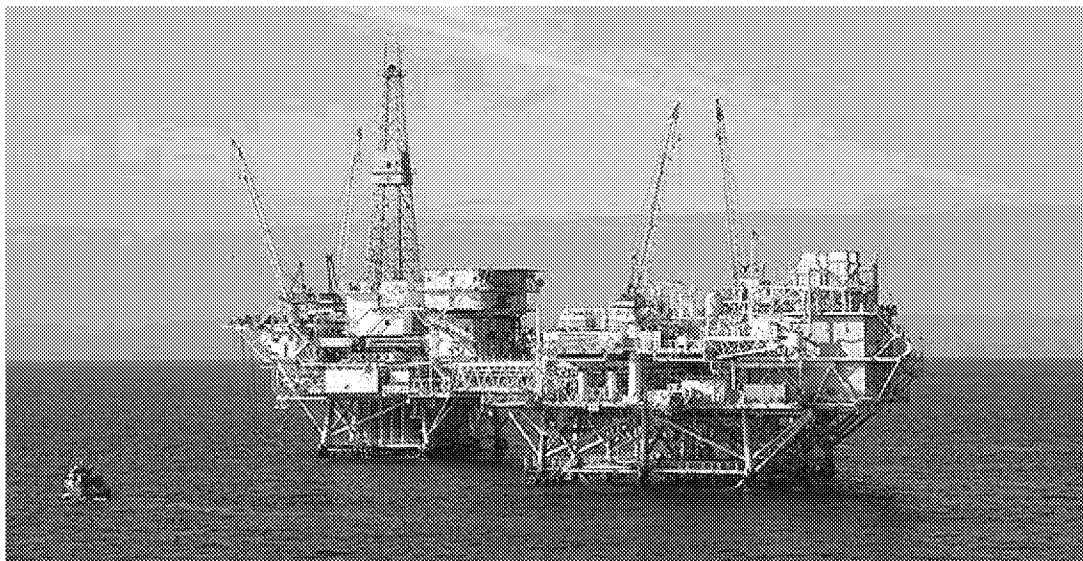
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OFFSHORE DRILLING

BOEM rejects \$4.4M in leases after critical federal report

Heather Richards, E&E News reporter

Published: Wednesday, November 27, 2019



An offshore drilling rig in the Gulf of Mexico. The Bureau of Ocean Energy Management recently completed an oil and gas lease sale in the Gulf. Bureau of Safety and Environmental Enforcement/Flickr

The Bureau of Ocean Energy Management (BOEM) rejected \$4.4 million worth of oil and gas industry bids to potentially drill in the Gulf of Mexico from a recent auction that otherwise netted \$155.

The oil and gas lease sale, one of two sealed bid auctions that Interior holds in the Gulf annually, took place in New Orleans in August ([Greenwire](#), Aug. 21). BOEM staff just completed its review of bids, accepting those it deems to reflect at least the fair market value of the lease area. Four were rejected.

The completion of the August lease sale is the first since a Government Accountability Office report published in October criticizing BOEM for sometimes dropping its fair market value threshold to meet lower bids made by industry ([Greenwire](#), Oct. 24).

GAO reported that if those bids were rejected by BOEM for being too low and were offered again in future lease sales, the bids would likely increase to meet the agency's designation. GAO estimated the practice had eliminated \$1 billion in revenue over the last 18 years.

BOEM has defended its practices and its confidence in determining resources value.

BOEM spokesman John Filostrat said the four bids were rejected because the agency believed the "the high bids weren't a fair return for the taxpayer based on the geological data on hand."

The leases were located in the Alaminos Canyon and Mississippi Canyon areas of the Gulf, east of Texas and south of Louisiana wetlands, respectively. Two bids came from Chevron USA and two from a Texas firm, Talos Energy Inc. and its partners including Red Willow Offshore LLC, a firm owned by the Southern Ute Indian Tribe in Colorado.

Nearly 30 companies participated in the sale earlier this year. Norwegian firm Equinor Gulf of Mexico LLC, BP Exploration & Production Inc., BHP Billiton Petroleum (Deepwater) Inc., Chevron USA and Anadarko US Offshore LLC were the five largest bidders, by number of high bids.

The majority of the leases are in water more than 200 meters deep, which requires a royalty rate of 18.75% on production. Nineteen tracts are in shallower waters and will pay a royalty rate of 12.5%, in accordance with Interior's guidance set in 2017.

BOEM and its sister agency, the Bureau of Safety and Environmental Enforcement, produced a report earlier this month proposing to drop the rate further, or even eliminate royalties, for shallow waters. The agencies said it may encourage production of oil and gas that could otherwise be stranded, an approach that garnered support from the state's senators ([Energywire](#), Nov. 21).

The move was criticized by environmental groups, which said it was as an unnecessary "windfall" for producers at a serious environmental cost.

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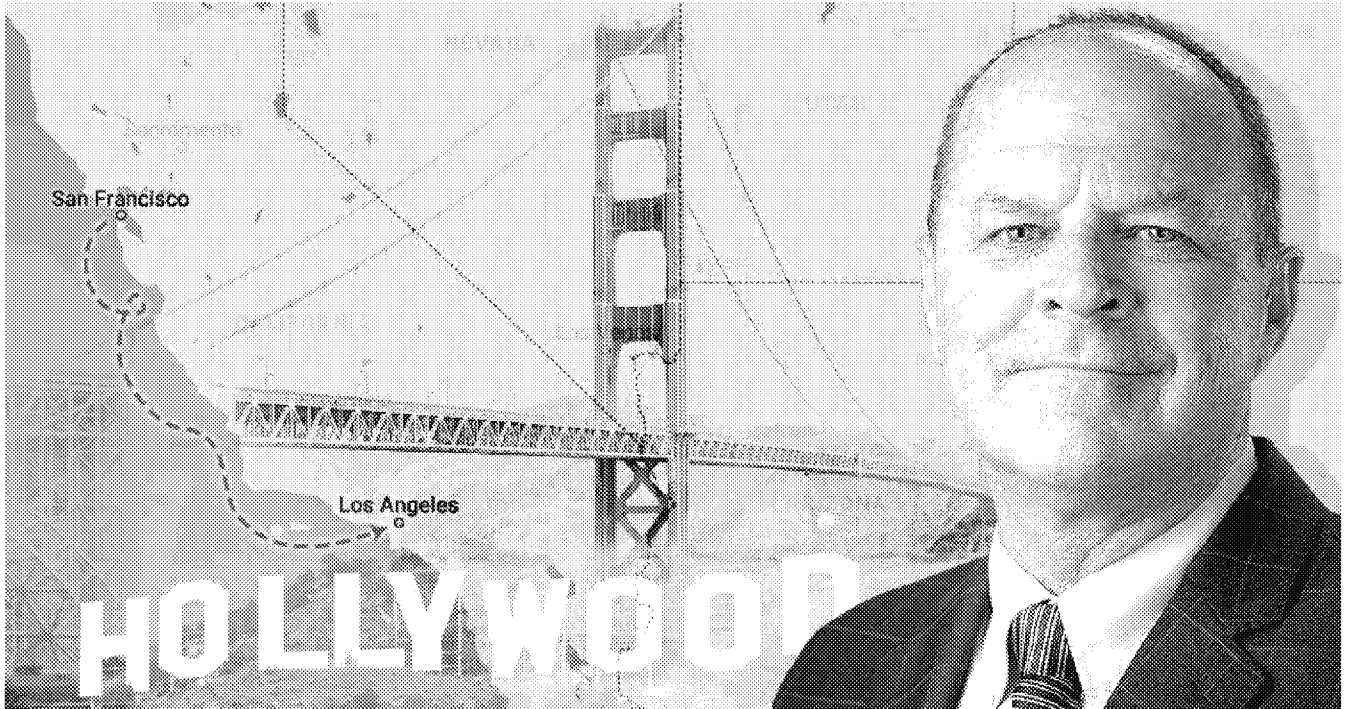
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EPA

'Highly unusual' move puts Region 9 chief's office in LA

Kevin Bogardus, E&E News reporter • Greenwire: Tuesday, November 26, 2019



EPA Region 9 Administrator Mike Stoker now works from the agency's Los Angeles office. Claudine Hellmuth/E&E News(illustration); EPA(Stoker); Frank Schulenburg/Wikipedia(golden gate bridge); Thomas Wolf/Wikipedia(Hollywood); Snazzy maps(map)

Despite alarms raised by EPA's watchdog office and legal staff, Chief of Staff Ryan Jackson switched a top political appointee's workplace from San Francisco to Los Angeles, moving him closer to home.

EPA Region 9 Administrator Mike Stoker's "duty station" is now Los Angeles. Hundreds of the staff he oversees as regional administrator for EPA's Pacific Southwest branch, however, are based in Region 9's main office in San Francisco.

The change was the culmination of a campaign that began more than a year ago, according to emails, memos and personnel records obtained by E&E News under the Freedom of Information Act.

His wish to change his work site to LA was long known by others. "The desire for Mike Stoker to change his duty station to LA had been simmering on the stove. Since he took office, he had been wanting for that to happen," said a former EPA official.

Other political appointees, including EPA Assistant Deputy Administrator Henry Darwin, have also moved offices closer to home ([Greenwire](#), Aug. 26). Darwin's move reignited frustrations over a controversial new contract imposed on employees represented by the agency's largest union that limits their telework and caused many to scramble work schedules.

In addition, Stoker's move could attract renewed scrutiny as well as expose him to liability for travel expenses.

In an April 10, 2019, "[memorandum for file](#)," Jackson said he was establishing "a pilot program" for Stoker to work from LA, since the regional chiefs' duties have been done from "a myriad of locations" and EPA's LA office is staffed by two dozen personnel. The project is to last "a period of a year" beginning April 14.

“ We believe that there is legal risk. ”

Elise Packard, top career EPA lawyer

Jackson added, "I will evaluate the pilot and determine whether to continue it for another year."

"I believe that this pilot program is the best choice among and most consistent with Agency management policies of the five options originally considered in May 2018," he said.

Those five options were laid out in a May 4, 2018, [memo](#) by Elise Packard, then EPA's associate general counsel

for civil rights and finance.

Jackson gave three reasons for the switch to LA: "closer proximity" to elected local and state officials; "better engagement" with tribes; and "proximity to outer areas of regions," citing the U.S.-Mexico border, Hawaii and

U.S. territories.

Four days after Jackson's memo, Stoker's personnel file was updated. "CHG IN DUTY STATION," the record said, listing LA as his new workplace.

Region 9 oversees EPA operations in Arizona, California, Hawaii, Nevada and the Pacific Islands as well as 148 tribes. The bulk of its regional staff works in the San Francisco office, but EPA's Pacific Southwest branch also has offices in LA, San Diego and Honolulu.

Stan Meiburg, who served as EPA's acting deputy administrator during the Obama administration's later years, told E&E News it's common for regional administrators to have difficulty relocating, especially to high-cost cities.

Stoker's move to LA, however, surprised Meiburg, who also served as deputy regional administrator in EPA's Regions 4 and 6 during his 39 years at EPA.

"This particular arrangement is highly unusual. From my experience, the duty station for the regional administrator is the main regional office," Meiburg said.

Packard's memo also contained a warning that Stoker could later be held liable for travel costs.

"If you determine that the majority of the position's duties will be carried out in Los Angeles, you can transfer the duty station," said Packard, who is now one of EPA's top career lawyers as deputy general counsel for operations.

"However, depending on where the duties take place, we believe that there is legal risk that an oversight body might find that your determination was incorrect and require the RA to repay travel costs to and from San Francisco."



Stan Meiburg, C-SPAN

She noted, "The official station of an employee is a matter of fact and not merely one of administrative designation," quoting a GAO decision from 1952.

"Similarly, where employees were hired to work in one location, but assigned another location as their duty station (enabling them to return to their homes there on the weekends), GAO found that the designation was improper. The duty station should be where the actual duties took place," Packard added.

Under federal travel regulations, official travel by employees like Stoker away from their duty station are paid for by their agencies. Consequently, Meiburg said Stoker's travel from LA to San Francisco, where the majority of Stoker's staff works, could now be covered by EPA.

"Presumably, while he was in San Francisco, he would stay in a hotel and be eligible for lodging and per diem costs," added Meiburg, now a sustainable studies professor at Wake Forest University.

In a statement in response to E&E News' questions for this story, EPA spokesman Michael Abboud said, "EPA carefully evaluated Regional Administrator Stoker's schedule, travel, and work for the past year and where a suitable duty station for him should be. Mr. Stoker spends part of his time in EPA offices in California and the rest traveling between the 8 time zones and 148 tribes that encompass Region 9, serving its 50 million residents with 22 million in Southern California alone."

The EPA spokesman's statement didn't address whether EPA was paying for Stoker's travel to and from San Francisco as well as lodging in the city.

'The work of a regional administrator has to be very portable'



EPA Chief of Staff Ryan Jackson. Francis Chung/E&E News

Stoker joined EPA on May 21, 2018, more than two weeks after Packard's memo. His personnel record then indicated he worked in San Francisco.

The agency's consideration of having Stoker work in LA had already come under scrutiny, though Stoker and other EPA officials said he would work from San Francisco (*Climatewire*, May 21, 2018).

Stoker dismissed the concerns in an interview with E&E News at the time, saying, "The best they can do is go after me and say, 'Where is he going to work?'"

Stoker's Facebook profile says he lives in Carpinteria, a small beach town in Santa Barbara County. Before coming to EPA, he was a California attorney and longtime Republican official, including as Santa Barbara County board supervisor, who is credited with coming up with President Trump's "Lock her up" chant.

As Stoker carried on as regional administrator, his frequent travel and time spent in LA — nearly a two-hour drive from where he resides, closer than the roughly five-hour drive to San Francisco — was noticed by EPA staff. A hotline complaint was filed with the EPA inspector general.

EPA's watchdog office then issued a "management alert" about Stoker's travels. The IG's review found he spent about 20% of his time, or 30 out of 145 workdays, in San Francisco, where more than 600 employees, or 90% of the staff he manages, are based. The EPA Region 9 head also spent 24 workdays teleworking and another 19 workdays in LA.

About half of Stoker's time, or 72 workdays, was spent traveling. Stoker took 15 trips out of 35 to destinations in Southern California during that time period, the IG found.

The inspector general also learned Stoker had been traveling at his own expense to his home.

The agency's internal watchdog doesn't plan to dig further into the matter, EPA OIG spokeswoman Tia Elbaum told E&E News. "At this time, we do not have plans to do any additional work in this area," she said.

Elbaum declined to comment on whether the IG office believed Stoker's office should be in San Francisco or Los Angeles.

At the time of the IG alert, Jackson defended Stoker.

"Mike's duty station is San Francisco and has been San Francisco. That being said, the work of a regional administrator has to be very portable. That's exactly what Mike is doing," the EPA chief of staff said in an interview with E&E News. "We think it is very appropriate for him to work out of any of the offices in Region 9" (*E&E News PM*, March 21).

Nevertheless, about three weeks later, Jackson changed Stoker's duty station to LA.

Stoker's schedule hasn't changed much since then. An E&E News review of his public calendar from April through early November this year shows he has spent at least 28 days in San Francisco, or more than 19% of his work time. Stoker also logged 18 days in the LA area, close to 13% of his workdays, during the same period.

Stoker was in San Francisco on Monday last week when he announced that Steven Leonido-John, who is based in LA as director of EPA's Southern California Field Office, is EPA Region 9's new chief of staff, according to EPA employees.

EPA staff also told E&E News that senior career officials often handle day-to-day operations in Region 9. In contrast, Stoker doesn't interact much with employees based in San Francisco.

Mark Sims, president of the EPA unit of Engineers and Scientists of California, IFPTE Local 20, said Stoker "is out in the field doing quite a bit."

"That's what he likes to do, go out and meet with constituents," said Sims, whose union represents EPA Region 9 employees. "For the day-to-day here, he pretty much leaves it to the career staff. That's my impression anyway."

Another EPA Region 9 employee said, "The overall feeling is it is just weird to not have a regional administrator work out of the regional office."

Abboud with EPA emphasized that Stoker was busy at work.

"This past week, Mr. Stoker attended events at Verco Manufacturing, CarbonLite corporation, and with the Chumash tribe promoting Recyclina Dav and EPA's recyclina agenda. For the previous administration.

How Mike Stoker went from San Francisco to Los Angeles

MAY 4, 2018

Elise Packard, a top career EPA lawyer, drafts a memo on having the EPA Region 9 administrator's duty station as LA, noting there is "legal risk" with that designation that may require the regional administrator to repay EPA for travel costs to San Francisco.

MAY 20, 2018

Mike Stoker's personnel record on his appointment as EPA Region 9 administrator lists his duty station as San Francisco, where EPA Region 9's main office is located.

JULY 10, 2018

Stoker emails with senior EPA Region 9 career officials about changing his duty station from San Francisco to LA, including a draft memo to request the switch. LA is closer to Stoker's home in Santa Barbara, California.

MARCH 21, 2019

The EPA Office of Inspector General issues a "management alert," detailing Stoker's frequent travel and time spent away from San Francisco.

APRIL 10, 2019

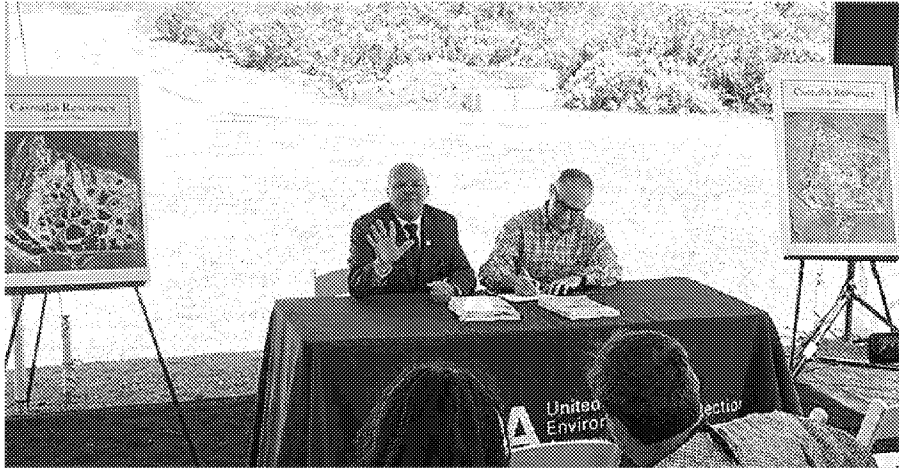
Jackson writes a "memorandum for file," explaining why he was establishing a pilot program to have Stoker's duty station in LA.

APRIL 14, 2019

A new personnel record for Stoker lists his duty station as LA.

Recycling Day was just a press release," said the EPA spokesman.

'Makes my calendar pretty crazy'



EPA Region 9 Administrator Mike Stoker and then-EPA Administrator Scott Pruitt visiting the Caswell Superfund site in California in June 2018. EPA

Stoker pushed to move his workplace just a few months after joining EPA, according to a July 18 [draft memo](#) to Jackson.

"Looking at the pattern of my various meetings and associated travel, I'd like to revisit the discussion we began before my appointment with regard to my official duty station," said the memo. "I ask for your support of a one-year trial period in which my duty station is temporarily changed to our So. California Field Office in Los Angeles."

In the memo, Stoker anticipated that "approximately 20%" of his time would be in San Francisco. LA could be a cheaper option, he said.

"My support team has closely tracked my travel expenses by trip and by month, noting in most cases the lower cost of travel via Los Angeles compared with San Francisco," said Stoker, adding that he convened monthly meetings with ethics counsel to ensure his actions were in compliance.

Stoker also asked senior career staff in EPA Region 9 for their support in the shift.

"Is it possible to do a memo from you and Sylvia to me based on at my request your review and opinion regarding me changing my duty station from SF to LA?" Stoker said, referring to Sylvia Quast, the regional counsel for the Pacific Southwest branch.

"Will have more clout coming from you two," he added.

"We can do that," said Alexis Strauss, once EPA's deputy regional administrator and acting regional administrator in Region 9 who was helping Stoker transition into the top job. She retired from the agency earlier this year.

Stoker replied with a thumbs-up emoji.

Struggles over the Region 9 administrator's travel and confusion over where he worked in the early months of his tenure are apparent in emails obtained by E&E News. He was even told in one [email](#) that his financial disclosure system account listed his workplace as LA, not San Francisco.

Stoker had help with some travel costs. The California Independent Petroleum Association (CIPA) planned to pay for his hotel and trip on at least one occasion, according to a [chain of emails](#).

"You had proposed to me that they pay your hotel for Friday and your travel back to Santa Barbara," Amy Miller, then Stoker's chief of staff, said in a May 2018 [email](#).

She also noted that Stoker wanted to fly out of LA to attend an EPA regional administrators' meeting in Chicago. "This would be contingent on it being comparable to SF ticket," Miller said.

Stoker's public calendar shows he was in San Diego to attend CIPA's annual meeting and give a speech on [June 8](#) last year. He also was in Chicago for the regional administrators' meeting the [following Monday](#).

CIPA paid \$665.14 for Stoker's airfare and one night of lodging for its 2018 annual meeting, CIPA spokeswoman Sabrina Lockhart told E&E News.

Ethics staff who were consulted over Stoker's travel determined the CIPA payment could be accepted, according to one of the emails.

In another instance, Stoker was advised against scheduling a meeting in LA.

In an August 2018 [email](#), Strauss said, "For next week's trip to Honolulu and American Samoa, we recommend against adding a Monday morning external meeting in Los Angeles, which would require a

change in your travel documents and an accompanying justification, for [deputy regional administrator] approval."

Stoker replied with another thumbs-up emoji. And his official calendar indicates that he followed that advice.

Stoker also tried last year to rearrange travel by his then-superior, former Administrator Scott Pruitt. The Region 9 head asked one of Pruitt's aides if the EPA chief could rework his visit to the San Francisco office and a Superfund toxic waste site in Santa Barbara County.

"Can we do Regional visit in SF on the 28th [of June] and Casmalia on 29th? Makes my calendar pretty crazy as I will be in DC earlier in the week and end back in Santa Barbara end of the week," Stoker said in an email.

In a separate email to his own staff, Stoker asked, "If I do this does EPA pick up tab for me flying up to SF and back to SB Friday afterward?"

He heard back in an email, "We will not be able to pay for your return trip from SF back to Santa Barbara after the Pruitt visit."

Stoker seemingly wasn't able to change Pruitt's itinerary. Stoker's public calendar indicates Pruitt was at the Casmalia Resources Superfund Site on June 28 last year, followed by a meeting between Pruitt and Stoker in the San Francisco office the next day.

Concerns over an 'absentee' regional administrator



Mike Stoker at his swearing in as EPA Region 9 administrator @EPAregion9/Twitter

Stoker may face questions over his travel long after he leaves EPA.

In September 2015, the EPA inspector general issued a report that tore into the travel practices of another Region 9 head: Wayne Nastri, who led EPA's Pacific Southwest branch during the George W. Bush administration.

Nastri's duty station was San Francisco, and he stayed nearby at his sister's home. EPA, however, established its Southern California Field Office in LA during his tenure.

EPA's watchdog office found that from October 2006 until Nastri left EPA in January 2009, he made an "excessive" 51 trips to the Orange County/LA area, where his Aliso Viejo home was located.

Those trips cost nearly \$69,000 and Nastri claimed "ineligible" travel costs of close to \$4,000, including parking fees at the airport. The inspector general questioned "whether the travel of [Nastri] was essential to performance of the agency mission."

Nastri is now executive officer for the South Coast Air Quality Management District. Nahal Mogharabi, a spokeswoman for the agency, said Nastri doesn't agree with the IG report's conclusions and didn't have a chance to review it before it was issued. His travel to Southern California was "a reflection of his priorities" to address the LA area's environmental problems, she said.

"Although Mr. Nastri did not admit any liability, he did reimburse the government in order to be released from any and all travel claims related to his service as regional administrator for EPA Region 9," Mogharabi said.

Elbaum with EPA's IG office said the agency received payment from Nastri for \$3,876.50 in fiscal 2016.

Some have not wanted a repeat of an EPA Region 9 administrator frequently traveling to and from LA.

Just days before Stoker started at EPA, Sen. Dianne Feinstein (D-Calif.) sent a letter to the agency, saying she was "particularly troubled" by reports that Stoker planned to work from LA, calling it a "similar working arrangement" to Nastri's time at EPA.

Noting that the majority of the Region 9 staff work in San Francisco, "We do not believe that the EPA's mission would be well served by having an absentee RA," said California's senior senator.



Wayne Nastri, South Coast Air Quality Management District

Abboud with EPA defended Stoker. "We have said from the beginning of this Administration we expect our regional administrators to be accessible to all communities in their regions," he said. "There are numerous examples of our regional administrators working throughout their areas supporting the programs of this Administration, and that will continue to be the case."

And, a former EPA official said of Stoker, "He sees his role being out there as an ambassador for the region. Therefore, he mostly travels."

Others noted Stoker was not often seen in the San Francisco office anyway.

"It seemed like a seamless transition because he wasn't really around to begin with," said an EPA union official based in Region 9.

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The latest: Injuries reported in Port Neches plant explosion

By Jacob Dick, Kim Brent, Monique Batson, and Ronnie Crocker Updated 7:17 am CST, Wednesday, November 27, 2019



IMAGE 1 OF 7

An explosion was reported at TPC Group in Port Neches at about 1 a.m. November 27, 2019.

Three workers at the TPC Group plant in Port Neches were injured in an explosion. The Enterprise is on scene and filing updates.

7:10 a.m.:

TPC has released the following statement:

"At approximately 1:00 a.m. today, Wednesday, November 27 an explosion was reported at the TPC Group Port Neches Operations site located at 2102 TX-136 Spur, Port Neches, TX 77561 involving a processing unit.

Emergency responders are still working to bring the event under control, and are doing so as quickly and safely as possible. Teams have been dispatched to conduct air monitoring along the fence line of the facility and in surrounding neighborhoods through mutual aid.

Unfortunately, the event resulted in injuries to two employees and one contractor at the site. They have been transported to the Medical Center and to Memorial Hermann in Houston for treatment. We are focused on their quick recovery and providing support to their families.

TPC Group activated its Emergency Response Plan and requested assistance from Port Neches Fire Department and Huntsman. The incident was also immediately reported to the appropriate local, state, and federal authorities.

At this time, we cannot speak to the cause of the incident or the extent of damage, but TPC is assembling a team to conduct a full and thorough investigation.

TPC is working with its insurance provider to establish a claims processing hotline for area residents impacted by the event.

TPC Group sincerely remains focused on protecting the safety of responders and the public and minimizing any impact to the environment. We encourage area residents to stay tuned to information from Jefferson County Emergency Management and local responders.

More information will be provided as soon as it is available."

7 a.m.: State environmental monitors have not recorded any elevated levels of chemicals from the towering black plume of smoke emanating from the plant, Jefferson County Emergency Management coordinator Mike White said.

He added that five local residents are being treated for minor injuries, mostly related to shattered glass.

White said the three plant workers taken to hospitals had relatively minor injuries, although one was airlifted to Houston as a precaution.

In a positive development, firefighters are now able to get water sprayed onto the damaged area, White said. The objective is to keep the affected area as cool as possible to keep the fire from spreading.

"A lot of it is probably just going to have to burn off," he said.

Units from Port Neches, Port Arthur, Groves and Nederland are joined by firefighters from contractors and other plants in the heavily industrialized area.

"It's a huge operation," White said from the adjacent Huntsman plant.

The Texas Commission on Environmental Quality has monitors in place. The chemical of most concern was butadiene, White said. So far, the air quality is typical for the area.

6:40 a.m.: The City of Groves has lifted the shelter-in-place notice.

6:30 a.m.: Roger Wallace, who lives in a townhouse on Merriman Street, reports the blast blew out his front window and tore an interior door off its hinges.

"That'll get you up quickly in the morning," he said.

Wallace, who did some contract work at the plant 30 years ago, evacuated his daughter, son-in-law and granddaughter after the 1 a.m. explosion and then returned to check on things. He noted that the little girl kept her toys near the utility room that lost its door, and expressed gratitude that everyone was asleep and out of harm's way when it occurred.

6:15 a.m.: From the Port Neches Police Department:

"Thanks for everyone's patience during this incident. Sorry I have not been able to post on social media but as you know we have been extremely busy. Just know we have resources here from all over the county, Police, Sheriff, Fire and other emergency responders. Stayed tuned to the media outlets for updated information. There's extensive damage throughout the City. Please stay off the roads anywhere near the refineries. Obey all the barricades that are in place. We are doing everything we can to keep everyone safe and informed. Be patient with us and we will pass on pertinent and factual information as soon as it comes available."

5:50 a.m.: Crews are still working to contain a fire at a Port Neches chemical plant owned TPC Group and shelter-in-place orders for Jefferson and Orange counties have been ordered while the plants continues to emit fumes.

The company reported the plant located between Air Liquide and Huntsman on Texas 366 suffered an explosion around 1 a.m. Wednesday that left three injured. It said the incident was related a processing unit.

White said two shelter-in-place zones had been ordered in Jefferson County for the entire city of Groves and for a half-mile area between the TPC plant and Texas 347 at the southwest side of its property.

In Orange County, Judge John Gothia ordered a shelter in place for the southern section of I-10 leading into Orange County until 6 a.m. to avoid any safety issues if a northeastern wind directed dangerous fumes from the fire toward the county.

People nearby are asked to stay inside, close their windows and avoid using air conditioning or fans that circulate air from outside.

White said the orders were a precautionary measure at this time as most of the resulting fumes seem to be headed up without being directed by any strong winds.

"It seems that we are closer to ruling other plants out of danger," White said. "We're able to get water to it at this time and the rain could be helping."

The processing unit suspected to be involved produces butadiene, a precursor chemical used in synthetic rubber.

Emergency agencies and law enforcement from Jefferson County, Nederland, Port Neches and Port Arthur are currently responding along with Acadian Ambulance service and the Texas Commission on Environmental Quality.

This story will be updated as information becomes available.

CARBON CAPTURE

First-of-a-kind CCS gas plant moves ahead

Edward Kump, E&E News reporter

Published: Wednesday, November 27, 2019



The NET Power project in Texas is the world's largest attempt to use carbon dioxide to drive a turbine rather than steam. NET Power

SAN ANTONIO — A partner in NET Power LLC said it's evaluating sites for a commercial version of the natural gas power plant it labeled a "great success" as a pilot project in Texas that aims for near-zero greenhouse gas emissions.

"There's a couple sites in Texas that we're looking at now," Mike McGroddy, a principal at 8 Rivers Capital LLC, NET Power's founder, said last week. "There are a couple sites elsewhere in the U.S. and internationally, as well."

McGroddy, who spoke at a conference of the National Association of Regulatory Utility Commissioners in San Antonio, suggested that Texas could be the site of the first commercial NET Power unit. But a decision has not been announced. The 45Q federal tax credit for carbon capture and storage is among the factors that could help a commercial NET Power plant in the United States. It plans to have a roughly 300-megawatt electric commercial plant operating in 2022, though that's later than a previous goal.

The opening of such a facility would be a milestone for the carbon capture and sequestration (CCS) industry and the electricity sector, which continues to search for ways to cut carbon dioxide emissions and address climate concerns. It remains to be seen how many similar facilities might materialize, but NET Power could eventually be at multiple sites. NET Power gained attention in recent years because of its La Porte, Texas, demonstration project, which it described in May 2018 as "the world's only industrial-scale supercritical carbon dioxide-based power plant and CO₂ cycle test facility."

That was the month NET Power said it achieved "first fire" at the La Porte plant, the world's largest attempt to use carbon dioxide rather than steam to drive a turbine. Its capacity was listed at about 50 MW of thermal energy, or about 25 MW of electricity. While NET Power remains tight-lipped about certain aspects of its operations, interest remains in how the pilot project is doing. Some skepticism lingers about the design's economics and any potential emissions related to the process or its byproducts ([Greenwire](#), Jan. 16, 2018).

The project uses what's known as the *Alam cycle*, which is named for Rodney Alam. It seeks to address what NET Power has called two problems: a reliance on steam as an inefficient working fluid and tackling air emissions as an afterthought.

NET Power's setup, according to a past release, burns natural gas with oxygen and uses high-pressure CO₂ to turn a turbine. The company said it can generate electricity, "pipeline-ready" carbon dioxide, argon and

nitrogen. Sequestration and enhanced oil recovery are among the potential uses for the CO₂, according to NET Power.

Besides 8 Rivers Capital, partners in NET Power include McDermott International Inc., the Oxy Low Carbon Ventures LLC subsidiary of Occidental Petroleum Corp. and Exelon Corp.'s Exelon Generation subsidiary.

"Exelon Generation is evaluating ways of participating in the development of a commercial scale 300 MW NET Power facility," the company said in a statement to E&E News.

Oxy Low Carbon Ventures said in its own statement that "NET Power's power generation technology with inherent carbon capture...complements Occidental's leadership in CO₂ utilization and sequestration, making us ideal partners to tackle carbon emissions worldwide."

Turning to coal

NET Power told E&E News its goal is to eventually have the same capital costs as a combined-cycle facility. The cost of a combined-cycle plant that relies on natural gas and exhaust heat to produce power can be less than \$1,000 per kilowatt in some places.

The company said it aims to be competitive initially by counting byproduct revenues, and at maturity without counting such revenues.

Jesse Jenkins, an assistant professor at Princeton University who studies energy systems engineering, said NET Power's goals could be achievable. But he is trying to take a "show me" attitude, given the complexity that comes with building projects.

"It would be an attractive complement, from a techno-economic perspective, to variable renewables," Jenkins told E&E News.

If NET Power works as its backers claim, any carbon price would put "this technology in the money versus combined cycle or any other fossil fuel electricity generation that does not have CO₂ capture," said Ed Hirs, a natural resources fellow at BDO USA LLP and an energy fellow at the University of Houston.

McGroddy said the pilot project in Texas produces power but doesn't export it as it goes through testing programs, though he suggested it could potentially participate in market dynamics in the future.

"We've had great success" at the demonstration facility, he said.

McGroddy said Texas was chosen for the pilot project because it's a global energy center, with potential customers and potential investors. There also are industries and assets that need to be decarbonized in the state, he said, and Texas has experience in transporting, managing and storing carbon.

"We see reducing carbon emissions, carbon capture, carbon storage as a real near-term and highly effective and critical solution ... to tackling the climate problem," he said.

McGroddy said deploying new technologies in Texas also is straightforward, suggesting that people at a state environmental agency are open to understanding a new project.

Meanwhile, 8 Rivers Capital continues to push ahead with a coal version of the idea separately from NET Power.

An announcement last month showed that the Department of Energy's Office of Fossil Energy and the National Energy Technology Laboratory included 8 Rivers Capital among the parties with conceptual designs to receive funding to go ahead with preliminary front-end engineering design studies.

It's part of the Coal FIRST initiative — representing flexible, innovative, resilient, small and transformative proposals. The release said the Allam cycle has the potential to generate power at a lower cost than conventional fossil generation with over 97% CO₂ capture and near-zero air emissions.

"In this project, the team will integrate coal gasification and the Allam Cycle core technology currently being proven by NET Power (a separate entity advancing the Allam Cycle on natural gas)," the announcement said.

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New Mexico officials, activist continue fight against rollback of EPA methane rules

Adrian Hedden, Carlsbad Current-Argus Published 12:49 p.m. MT Nov. 26, 2019

New Mexico Attorney General Hector Baldaras joined a coalition of U.S. Attorneys General which sent a letter to the U.S. Department of Energy last week opposing the EPA's proposed rollback of federal regulations of methane emissions from the oil and gas industry.

The EPA's proposed changes, issued in August, were in response to President Donald Trump's March 2017 issuance of Presidential Executive Order on Promoting Energy Independence and Economic Growth.

The EPA proposed to amend the 2012 and 2016 New Source Performance Standards (NSPS) for the Oil and Gas Industry, intended to remove "regulatory duplication" and save the industry millions of dollars every year.

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The move would save the oil and gas industry about \$17 million to \$19 million per year, records show, and \$97 million to \$123 million from 2019 to 2025.

Most significantly, per the letter to EPA Administrator Andrew Wheeler, was the EPA's decision that it did not have the authority to regulate methane emissions.

The proposal would also remove requirements in the NSPS that apply to methane emissions in the production and processing sectors of the industry but keep requirements for ozone-creating VOCs.

More: [New Mexico slams Trump's rollback of methane regulations for oil and gas, calls for hearing \(/story/news/local/2019/10/25/new-mexico-slams-trump-rollback-methane-regulations-oil-and-gas/2455259001/\)](https://story/news/local/2019/10/25/new-mexico-slams-trump-rollback-methane-regulations-oil-and-gas/2455259001/)

"The Proposed Rule is the latest and most far-reaching attempt by EPA to dismantle the 2016 Standard. To date, EPA has tried to stay, delay, and revise the 2016 Standard. But now it seeks to entirely eliminate federal regulation of methane emissions from the oil and natural gas sector," read the letter.

"In doing so, EPA turns a blind eye to its own legal and factual findings that the oil and natural gas sector is the largest source of methane in the United States."

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id changes, and the attorney's general worried that by reducing methane at risk of increased air pollution.



New Mexico Attorney Gen. Hector Balderas fought to keep his case against an opioid distributor in the New Mexico court to be heard by a New Mexico jury. (Photo: Courtesy/State of New Mexico)

More: [BLM: Oil and gas lease sale offers 112 land parcels in New Mexico, Texas \(/story/news/local/2019/11/22/blm-oil-and-gas-lease-sale-offers-112-land-parcels-new-mexico-texas/4270285002/\)](https://story/news/local/2019/11/22/blm-oil-and-gas-lease-sale-offers-112-land-parcels-new-mexico-texas/4270285002/)

"If EPA finalizes the Proposed Rule, our residents will be exposed to and harmed by the impacts of methane, VOCs, and hazardous air pollutant emissions that would otherwise have been avoided if the 2016 Standard's requirements remained in force," the letter read.

The letter cited violations to the federal Clean Air Act, which called on the EPA to regulate methane, while blaming the oil and gas sector for being the "largest source" of methane and VOC pollution in the nation.

"According to EPA, the oil and natural gas industry is the largest emitter of methane in the United States," the letter read. "Methane emissions from oil and natural gas sources in existence before 2012 constitute the majority of methane emissions from the oil and natural gas sector in the United States."

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More: [New Mexico politicians decry Democrat presidential candidates' proposed oil and gas bans \(/story/news/local/2019/11/19/new-mexico-politicians-decry-proposed-oil-and-gas-drilling-bans/4206210002/\)](https://story/news/local/2019/11/19/new-mexico-politicians-decry-proposed-oil-and-gas-drilling-bans/4206210002/)

'A sin to pollute our land'

New Mexico environmentalist groups also voiced opposition to the rule change, with the Sierra Club Rio Grande Chapter positing that "thousands" of New Mexicans submitted letters of opposition.

"The public has been asked again and again to stand up for oil and gas pollution protections," said Rio Grande Chapter Director Camilla Feibelman. "First people commented in support of Obama-era safeguards and then against Trump reversal after reversal of these rules that protect our community health.

"We thought New Mexicans would be tired of acting to protect EPA oil and gas pollution safeguards, but once again, thousands of people have stood up for clean air and climate protection."

More: [Study: New Mexico oil and gas production threatens scarce water resources \(/story/news/local/2019/11/15/new-mexico-oil-and-gas-production-could-threaten-scarce-water-resources/4178558002/\)](https://story/news/local/2019/11/15/new-mexico-oil-and-gas-production-could-threaten-scarce-water-resources/4178558002/)

More than 40 New Mexico faith leaders, via New Mexico Interfaith Power and Light also wrote a letter to Wheeler, calling on the EPA to restore its methane regulations to curb global warming.

"The proposed new EPA methane rules completely eliminate regulations for methane emissions in the oil and gas industry, which would remove from the scope of federal oversight all existing oil and gas facilities nationwide," the letter read.

"It is immoral to ignore health concerns affecting our communities. It is a sin to intentionally pollute the land, air and water which is a sacred trust."

More: [New Mexico officials bring oil and gas waste water debate to Carlsbad, seek new regulations \(/story/news/local/2019/11/15/new-mexico-officials-bring-oil-and-gas-waste-water-debate-carlsbad/4191989002/\)](https://story/news/local/2019/11/15/new-mexico-officials-bring-oil-and-gas-waste-water-debate-carlsbad/4191989002/)

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... You Sow.

The investors were concerned of the banks' role in contributing to climate change through air pollution as some of them are the largest funders of fossil fuels, the release read.

"Year after year, banks like JPMorgan continue to rank among the highest sources of financing to fossil fuel companies, contributing substantially to the climate catastrophe and resulting portfolio risk for investors," said Danielle Fugere, president of As You Sow.

More: [Data: New Mexico's GDP growth fueled by oil and gas, prices rise due to global optimism \(/story/news/local/2019/11/13/new-mexicos-gdp-oil-gas-industry/2576742001/\)](#)

"As shareholders, we are requesting that banks take responsibility for disclosing and reducing their full carbon footprints. This will ensure the banks position themselves to align with the Paris Agreement."

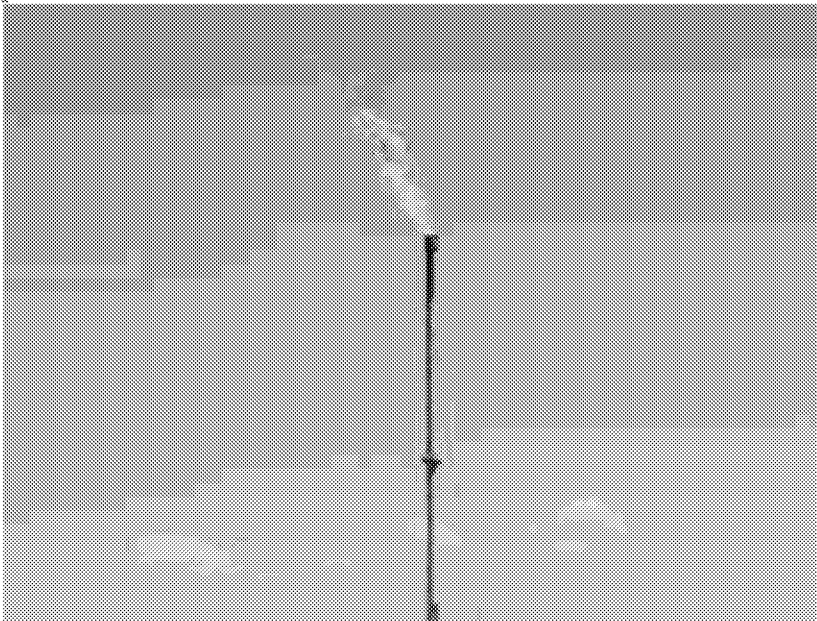
JP Morgan Chase averaged about \$65 million in financing for fossil fuel companies since the Paris Agreement – an international commitment signed by multiple countries including the U.S. in 2015 to reduce carbon emissions and fight climate change.

Trump announced earlier this month that he was taking official steps to withdraw the U.S. from the agreement.

"JPMorgan Chase has made high-profile commitments to renewable energy and sustainable financing, representing important steps toward seizing the opportunities afforded by the transition to a decarbonized economy," said Holly Testa, director of shareowner engagement at First Affirmative Financial Network.

"However, the scale of the firm's concurrent financial backing of fossil fuel companies undermines these commitments and increases risks for the company, investors, the economy, society, and the planet."

New Mexico's methane debate



- [Environmentalists, industry spar over gas emissions at Eddy County developments](http://www.currentargus.com/story/news/local/2018/10/01/eddy-county-oil-gas-industry-air-new-mexico-environment-department-president-trump/1459405002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
(http://www.currentargus.com/story/news/local/2018/10/01/eddy-county-oil-gas-industry-air-new-mexico-environment-department-president-trump/1459405002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
- [Complaint filed against BLM lease sale, environmentalist cite air pollution concerns](http://www.currentargus.com/story/news/local/2018/11/01/complaint-filed-against-blm-lease-sale/1834172002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
(http://www.currentargus.com/story/news/local/2018/11/01/complaint-filed-against-blm-lease-sale/1834172002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
- [New Mexico ranked last for methane emission prevention](http://www.currentargus.com/story/news/local/2018/12/06/new-mexico-ranked-last-methane-protections/2162991002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
(http://www.currentargus.com/story/news/local/2018/12/06/new-mexico-ranked-last-methane-protections/2162991002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
- [NMED: Methane emissions in New Mexico highest in oil and gas regions](https://www.currentargus.com/story/news/local/2019/03/28/nmed-methane-emissions-new-mexico-highest-oil-and-gas-regions/3287574002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
(https://www.currentargus.com/story/news/local/2019/03/28/nmed-methane-emissions-new-mexico-highest-oil-and-gas-regions/3287574002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
- [Oil and gas methane waste debated at Carlsbad public hearing, State prepares tougher rules](https://www.currentargus.com/story/news/local/2019/08/07/oil-gas-methane-waste-debated-carlsbad-public-hearing/1946832001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4167005002)
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Read the letter from U.S. attorneys general to EPA Administrator Andrew Wheeler:

Adrian Hedden can be reached at 575-628-5516, achedden@currentargus.com or @AdrianHedden on Twitter.

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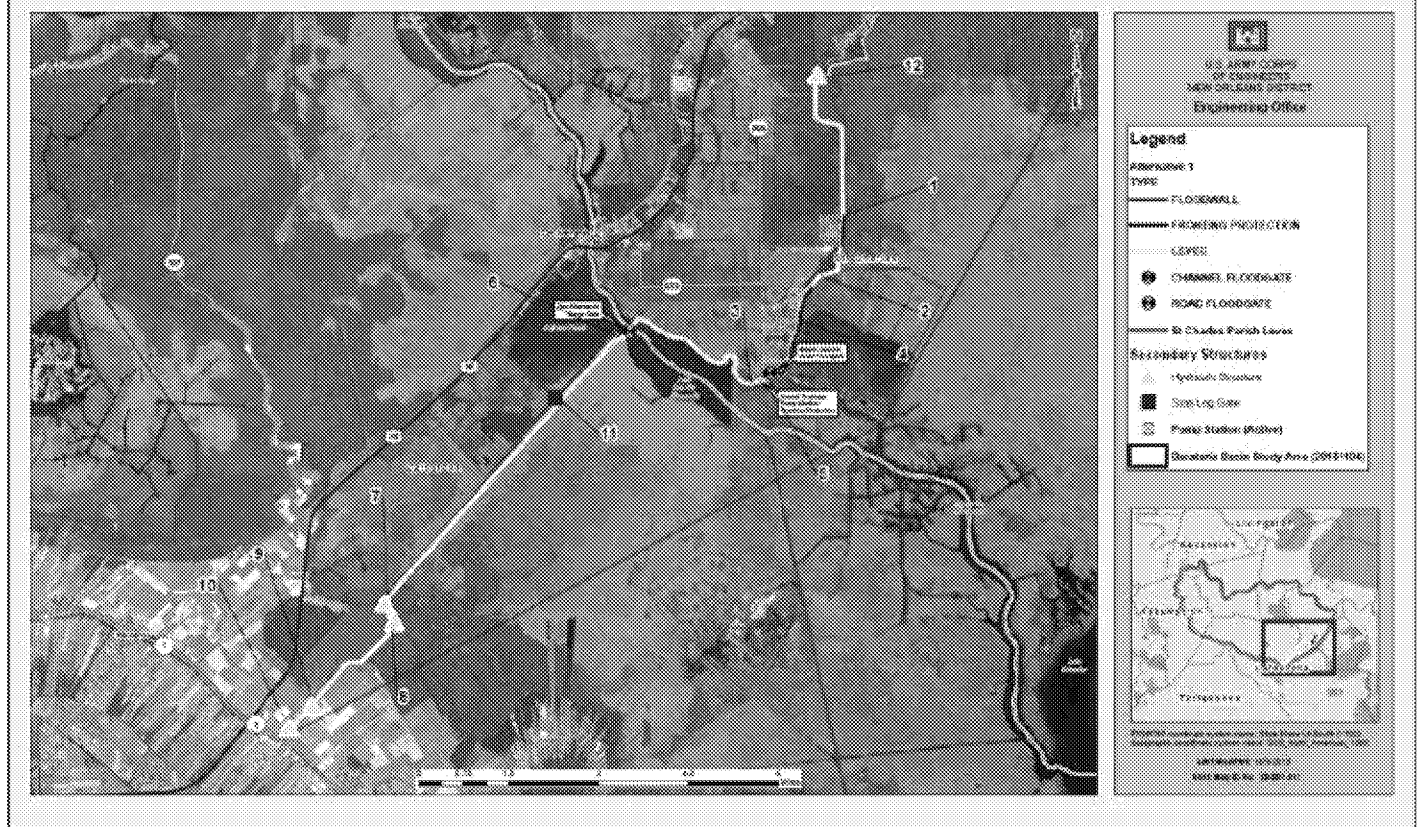
Corps proposes \$514 million Upper Barataria levee to protect West Bank parishes

BY MARK SCHLEIFSTEIN | STAFF WRITER NOV 26, 2019 - 3:23 PM

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Upper Barataria Alternative 1 Map



The proposed Upper Barataria levee system is shown on this map, with the earthen levee segments marked in yellow.
Army Corps of Engineers

Mark
Schleifstein

The U.S. Army Corps of Engineers has proposed building a new \$514 million, 18.3-mile Upper Barataria levee system to protect portions of seven south Louisiana parishes, including the west banks of Jefferson, St. Charles and St. John the Baptist, from the flooding caused by hurricane surge and intense rainfall events.

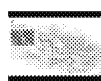
The Corps' announcement will come as welcome news for elected officials and residents in the region who have pleaded for such a levee for decades. The Corps' first study on the matter was done in 1988.

The new levee proposed Tuesday would be on the south side of U.S. 90 between the existing west bank levee in St. Charles Parish and Raceland.

Congress must still authorize the project and appropriate the federal share of money for its construction. But if that occurs, construction could begin in 2020 and be completed in 2023, the Corps said.

The cost of the project could increase to \$653.4 million if the Corps and local sponsors agree to add armoring features to protect the new levees and parts of the existing St. Charles levee from being damaged when overtopped by flood waters.

The state Coastal Protection and Restoration Authority, the local sponsor for the project, would be required to pay at least 35% of construction costs, with the federal government responsible for 65%. The state would also be responsible for acquiring perpetual easements on 592 acres, which the Corps estimates would cost about \$4.9 million.



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Last year, state officials said they hoped to use federal Community Development Block Grant funds for part of the project's cost, if they could get the Corps to waive

a rule that prohibits using other federal money as the state's match.

The CDBG money was part of a 2018 supplemental appropriation for mitigation projects stemming from earlier flood events, including 2017 hurricanes and the 2016 flood that affected parts of Louisiana.

That appropriation bill also included money to pay the full cost of the Corps' Upper Barataria feasibility study.

The Corps selected its preferred Upper Barataria proposal from about a dozen alternatives, the remainder of which were found to be less cost-effective or less able to provide flood reduction benefits.

The selected plan would include earthen levees ranging from 7½ feet to 12 feet above ground level, and slightly higher floodwalls, along the southeastern end of a large area of wetlands and interior freshwater lakes sandwiched between Bayou Lafourche to the west, the Mississippi River to the north and east, and Barataria Bay to the south. That area includes parts of Ascension, Assumption, Jefferson, Lafourche, St. Charles, St. James and St. John parishes.

The project is designed to protect against weather events that have a 2% chance of occurring in any year, a so-called 50-year flood. Those events include the combined threats of water moving inland from lower Barataria Bay during tropical storms or hurricanes and rainfall flowing into the area at the same time from the north.

The new levee would begin at the southern end of St. Charles' west bank levee system, which is designed to reduce flooding from a 1%, or 100-year, storm surge event.



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The new project also calls for a 270-foot barge gate across

Bayou des Allemands. It would be designed to allow water levels to be reduced in wetlands north of the new levee in advance of tropical events.

According to the Corps, the Upper Barataria area sees an average of 71 inches of rainfall a year. The seven parishes in the project area were the subject of 22 federal disaster declarations from tropical storms or hurricanes between 1964 and 2016, and another 19 disaster declarations from flooding events.

Total payments by FEMA for flood claims in the seven parishes between 1978 and 2018 were \$4.2 billion, and FEMA has listed 153,444 structures in those parishes as subject to severe repetitive loss from flooding.

Using that information to predict future flood losses, the Corps concluded that the project is estimated to produce benefits of \$30.3 million a year, largely from less flood damage, compared to estimated annual costs of \$20.4 million. That represents a 1.5-to-1 benefit-to-cost ratio, according to the Corps.

That ratio is important in seeking authorization for construction of the system from Congress, where it will be competing with other levee and water-related construction projects. Congress will also have to appropriate money for the 65% federal share of construction costs.

The Corps study said that “armoring” the levee system with high-performance turf reinforcement matting and adding some concrete features could improve its ability to survive overtopping from a 500-year flood, a weather event with a 0.2 percent chance of occurring in any year.

However, the turf matting would add \$47 million to the cost and the armoring features would cost another \$140 million, which would reduce the cost-benefit ratio.

In considering how high to build the system, Corps engineers were required by the agency's regulations to consider low, intermediate and high estimates of relative sea level rise — caused by a combination of subsidence and rising seas due to climate change — during the projected 50-year life of the project, through 2073.

They assumed an intermediate level of sea level rise, 2.4 feet through 2073, compared to 1992, for their design proposal. The earthen parts of the levee system also would be “overbuilt” by about a foot to allow for subsidence, but would also require additional lifts over the project's 50-year life to keep pace with future subsidence and sea level rise.

But the study also warned that its estimates were not designed to go beyond the project's 50-year lifespan. The study “is not intended to construct flood risk management structures that last in perpetuity,” it said.

Indeed, the 50-year level of protection proposed by the Corps is only half that proposed by the state Coastal Protection and Restoration Authority as part of its 2017 coastal Master Plan update, which called for a levee system with a 100-year level of protection along a similar route.

“CPRA has been working with the Corps of Engineers and local officials on the Upper Barataria study and is excited to reach this milestone, an important step in getting this much-needed work funded and on the ground,” said Chip Kline, chairman of the CPRA board.

“While the coastal Master Plan calls for a greater level of protection, the CPRA looks forward to continuing to work with (the Corps) and local officials to refine the selected project features as evaluation progresses. And, as it does in all areas, CPRA will continue to seek additional protection whenever and wherever feasible,” he said.

The draft report, environmental impact statement and supporting information are available online at the Corps' New Orleans District web site.

Written comments on the study and statement can be submitted through Jan. 13 by mail to U.S. Army Corps of Engineers, New Orleans District, c/o Danielle A Keller, CEMVN-PM-B, 7400 Leake Ave., New Orleans, LA 70118.

Comments can also be submitted by email to UpperBaratariaFS@usace.army.mil.



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